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September 2, 2005

Commissioner Robert E. Nicolay
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore MD 21215

Dear Commissioner Nicolay:

The purpose of this letter is to respond to your request for comments on the General Principles for the Maryland Certificate of Need Program, and more specifically to the Comments that have been added on pages 4 and 5.

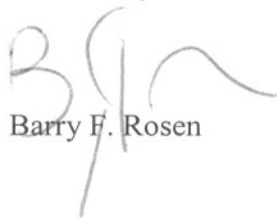
First, I think that the General Principles that appear on the top of page 4 are excellent.

I similarly believe that the Comments on pages 4 and 5 add to the discourse; however, there are some aspects of the Comments on page 5 that I believe could perhaps be fine-tuned.

I am not sure that there is empirical data supporting the last sentence of the first bullet on the top of page 5 or the last sentence of the second bullet on the top of page 5. Both sentences presume that "meaningful, ongoing licensure" or "rigorous recurrent licensure" can achieve "high" quality and "good" outcomes. It is my experience that rigorous licensure can weed out "poor" quality, but it does not weed out "mediocre" quality or "assure high quality." Licensure is generally aimed at lowest common denominators. In other words, licensure tries to assure that people and institutions achieve passing grades, not stellar grades.

I also think that the concept imbedded in the second to last paragraph on page 5 would be given greater weight if it too were highlighted with a bullet and given a title such as "Access."

Yours truly,



Barry F. Rosen

cc: Pamela Barclay